

REMARKS

Reconsideration and allowance of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Status

Claims 1-2, 5-9 and 12 are pending in this application. Claims 3, 4, 10, and 11 are canceled. Claims 1, and 5-6 have been amended. No new matter is added. Two new independent claims are added (claims 5-6); no additional fee is required.

The Instant Invention

The instant invention is directed to an optical pointing device for use in a slim personal portable device. Therefore, the channel through which the light is passed must be slim (minimize the height of the light channel).

Art Rejections

Claims 1-6 are rejected as anticipated over Baharav (USPN7274808). Applicant respectfully disagrees.

Claims 1, and 5 are amended to set forth that the optical sensor is vertically installed to receive the horizontally traveling light from the object. This configuration is

illustrated in Figures 5/6 of the instant application. Optical sensor 418 is vertically installed so that it perpendicularly encounters the horizontally traveling light (A5, A6).

Baharav, on the other hand, teaches that the optical sensor (140 in Figures 2, 3A) is horizontally disposed.

Therefore, Claims 1, and 5 are not anticipated by Baharav. This rejection must be removed.

Claim 6 recites a first mirror, a wave guide, and a second mirror. Moreover, claim 6 set forth that the wave guide surfaces are polished to minimize loss of light and prevent diffused reflection of light.

Baharav, on the other hand, uses a prism 155, optics 130, and prism 135, optics 130, and prism 135 (see figure 2) or a single prism 155 (see figure 3A). A prism is not a mirror. Additionally, Baharav does not mention polished surfaces.

Therefore, Claim 6 is not anticipated by Baharav. This rejection must be removed.

Claims 7-9 and 12 are rejected as unpatentable over Baharav. This rejection is moot in view of the amendment and the argument set out above. Specifically, Baharav does not set forth a case of *prima facie* obviousness because all elements of the claimed invention are not set forth in Baharav. Therefore, Claims 7-9 and 12 are not obvious in view of Baharav. This rejection must be removed.

Conclusion

An early Notice of Allowance is respectfully requested in view of the foregoing amendments and remarks.

Respectfully submitted,



Robert H. Hammer III
Attorney for Applicants
Registration No. 31,764

Customer No. 29494
Hammer & Associates, P.C.
3125 Springbank Lane
Suite G
Charlotte, NC 28226
Telephone: 704-927-0400
Facsimile: 704-927-0485

H:\2108\002\Amendment110408.doc